IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 2197 of 1999

Between:

1. Pradeep S/o Deendayal, (Owner of Plot No.41, Sy.No.74/9) rep. by GPA Sanjay Kumar, S/o Suraj Prasad, aged 25 years. business R/o Domalguda, Hyd.

2. Phoolchand S/o Mummaram, (Owner of Plot No.42, Sy.No.74/9) rep. by GPA Sanjay Kumar, S/o Suraj Prasad, aged 25 years, business R/o Domalguda, Hyd.

3. Ghansiram S/o Ramlal, (Owner of Plot No.40, Sy.No.74/9) rep. by GPA Sanjay Kumar, S/o Suraj Prasad, aged 25 years. Business, R/o Domalguda, Hyd.

..... PETITIONERS

AND

1 Municipal Corporation of Hyderabad, rep. by its Commissioners Tankbund Road, Hyderabad
2 Chief City Planner, Town Planning Section, Municipal Corporation of Hyderabad, Hyderabad

3 State of AP. represented by Secretary (Revenue) Secretariat Buildings, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more paraticularly one in the nature of Writ of Mandamus or otherwise declaring the proceedings -Annexure VIII- dt. 29/12/1998, as illegal, arbitrary and bad in law, and ultra vires the powers of respondents and consequently declare the same as unenforceable and thereby declare that on the failure of the respondents to pass appropriate orders on the petitioners' building

application fortwith, otherwise permission shall be deemed to have been granted to the petitioners as proposed by the petitioners in their building application and the proposed plan dt. 11/11/1997.

Counsel for the Petitioners:MR.VILAS V.AFZULPURKAR

Counsel for the Respondent Nos.1 & 2: SMT.G.JYOTHI KIRAN

Counsel for respondent No.3: G.P. FOR REVENUE

The Court made the following :

O R D E R:

This writ petition is filed declaring the proceedings -Annexure VIII- dt. 29/12/1998, as illegal, arbitrary, bad in law and ultra vires the powers of respondents and consequently declare the same as unenforceable and thereby declare that on the failure of the respondents to pass appropriate orders on the petitioners' building application fortwith, otherwise permission shall be deemed to have been granted to the petitioners as proposed by the petitioners in their building application and the

proposed plan dt. 11/11/1997.

The learned counsel for the petitioners submits that the subject matter of the writ petition has become infructuous. Recording the submission, the writ petition is dismissed as infructuous. No costs.

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E.DHARMA RAO J.,

Dt.20.07.2005

tjs

To

1. The Commissioner, Municipal Corporation of Hyderabad, Tankbund Road, Hyderabad
2. The Chief City Planner, Town Planning Section, Municipal Corporation of Hyderabad, Hyderabad
3. The Secretary, Revenue Department, Secretariat Buildings, Hyderabad
4. Two C.Cs to the G.P. for Revenue, High Court Buildings, Hyderabad

5) CD copies.